

### **REMARKS**

Claims 1-30 are now pending in the application with claims 1-17 and 21-30 having been withdrawn. Claims 18 and 19 are currently amended. No claims have been added or cancelled by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **PRIORITY**

The claim for priority is denied because the Examiner maintains that the foreign filed application was filed more than 12 months earlier than the date of the present U.S. application. The present application claims priority to GB 0120213.4 filed August 18, 2001 through PCT/GB/2002/003858 filed August 19, 2002 as a continuation of a foreign application. Applicant will be providing a certified copy of the relevant priority document in the near future.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Appropriate correction having been made, claim 18 should now be in condition for allowance.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the USPTO Web server in use ("TEAS") in view of Roberts (U.S. Pub. No.

2007/0202800). This rejection is respectfully traversed.

TEAS in view of Roberts

a. The person of ordinary skill would not think to combine TEAS with Roberts, since these two disclosures are in fully different fields of art. Roberts is concerned with an Ethernet digital storage card. Although Roberts uses the Internet, that is where the connection between Roberts and the TEAS disclosure ends.

There is no teaching in Roberts of trade mark filing systems. There is nothing in Roberts which suggests the collecting and filing of intellectual property rights over the internet. Furthermore, there is no reason why anyone having read Roberts would be directed to the TEAS disclosure to file an intellectual property right.

b. The Examiner states *“Roberts teaches transmitting and accepting data files via a communication network comprising text, audio, and video files and storing them on a computer entity and processing them in the field of Trademark (see last paragraphs 0002).”*

The applicant agrees that Roberts teaches *“transmitting and accepting data files via a communication network comprising text, audio, and video files and storing them on a computer entity”*, but cannot agree that the teaching extends to dealing with trademark data, or has anything to do with that at all.

Concerning the passage of Roberts cited by the examiner:

*“the present invention relates to and EDS Card for receiving, storing, and transmitting files including video, audio, text and multimedia files, especially files received via satellite transmission .....”, “ One such system is the direct to home (“DTH”) satellite delivery system such as that offered in connection with the trademark, “DirecPC””. In these DTH types of systems, each subscriber or user of the system must have: (I) access to a satellite dish.....”*

The applicant respectfully submits that in the context of the disclosure, the teaching of Roberts is merely stating that the system name “DirecPC” is also a registered trademark. This is in no way teaching or suggesting that there is any connection between the operation and teaching of the technology of the embodiments described in Roberts and the concept of a system for collecting data describing a trademark. The Examiner’s objection is not supported by a reading of the text of Roberts.

The applicant respectfully requests that the Examiner waive the suggestion of any link at all between TEAS and Roberts. The two documents simply would not be combined by the ordinary person in the art.

c. The present application is aimed at collecting enough information to automatically file a trade mark application, without the process stalling for lack of information and having to go offline or involve human intervention in follow up of uncollected data (See

[0008] , [0101] present application). TEAS by itself is incapable of collecting the full range of information, because a trade mark may consist of a graphic, a video or a sound which are not collectable by TEAS, in addition to a text file containing text describing the mark and or/other information.

Roberts provides the information that files of the type video, audio are transmissible over the internet, but does not teach that that data is connected in any way to trade marks description/ definition data, or that the files are usable in any way as such data. Therefore, the skilled person would not start at Roberts to find TEAS.

d. Starting in the other direction, and considering the skilled person armed with the teaching of TEAS at the relevant date, if that person had already decided to expand TEAS to collect video or audio data, then they could find teaching of how to transmit such information over the internet in Roberts. However, to be even looking for Roberts in the first place, the ordinary person would need to have already made an inventive step in realizing that TEAS is limited in its range of data files and could not handle all types of trade mark. In other words, starting from Roberts, the skilled reader would not be directed to TEAS, and starting from TEAS, the skilled reader may find Roberts if they were looking, but to be looking at all, they would have needed to have already made an inventive step.

e. There is no teaching, suggestion or motivation in either direction to combine TEAS with Roberts or vice versa. To combine these two documents and suggest that the

result is obvious requires the ordinary person to apply hindsight directed by the teaching of the present application well after the event of invention.

#### US 2007/0202800 Roberts

Roberts is directed at an Ethernet digital storage card and a satellite transmission system. It has nothing to do with trademarks at all, and has no hint or suggestion of a transaction system for collecting data describing a trademark as set out in the present application.

The problems addressed in Roberts are as set out in [0009] Roberts, i.e., that Digital video broadcast (DVB) transport protocols add delays in transmission, and the DVB transport mechanism consumes excessive amounts of bandwidth. These problems are completely unrelated to the objects and problems associated with the present application. Roberts is not in the same field of art as the present application.

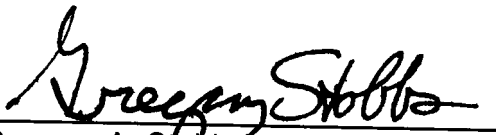
#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the

Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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